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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,925	06/15/2001	Koichi Hiramatsu	10517/102	5667
23838	7590	07/26/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			JONES, DAVID B	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/880,925

Applicant(s)

Hiramatsu et al.

Examiner

David B. Jones

Art Unit

3725

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/15/2001 6) ☐ Other: \_\_\_\_

8/12/16/2002

07/17/2004

### DETAILED ACTION

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. It would appear that the specification is a product of translation and as such should be amended in proper idiomatic form.
2. Applicant is reminded of the proper language and format for an Abstract of the Disclosure. The abstract should avoid the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: numerals 3 and 4. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be a product of direct translation from a foreign document and as such contain many limitations that are indefinite and awkward. The follow are but examples of claim deficiencies, the claims should be reviewed for like problems and amended into proper claim form. In claim 1, "the inside of said mold" and "the generated mold opening force" lack antecedent basis. In claim 5, "the mold resisting the mold opening force of the mold" is awkward and indefinite. In claim 6, "the mold opening force of the mold in a direction of the closing the mold" both lacks antecedent basis and is awkward if not indefinite. Further in claim 6, "the inside of the mold" lacks antecedent basis. Claim 7 is indefinite in nature and unclear in scope; further it fails to limit the structure of the device as now drafted. The limitation "protruded from" is awkward and renders the claim indefinite. In claim 9, "the longitudinal direction" lacks clear antecedent basis. In claim 10, "the strength of the surface of said frame material", "the strength of the central portion", "the central portion", and "the longitudinal direction of the frame" lack clear antecedent basis. In claim 11 it is unclear where such a "portion" (stress concentrated) is located in the combination. In claim 12, "the surface" and "the chamfering processing" lack clear antecedent basis. In claim 13 it is unclear where the tensile stress concentration portion is located. In claims 18 and 19, "the shape of a mold" lacks clear antecedent basis. The whole of claim 20 is

awkward and hence indefinite. In claims 21 and 22, the limitation “they are apart from each other” is unclear and indefinite in scope. Claims 24-31 suffer from the same problems as those of claims 1-23 and should be rewritten and amended to provide for definite and idiomatic claim language.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 7, 8, 23, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Rigsby '052. Rigsby teaches the claimed invention (See Figs. 6A-6D and Fig. 10) including a mold at 17/19 or 21/23, a frame generally at 11/13 with its holding portion as seen in Figs. 6A-6D, a moving device 15 (See Fig. 1), and a opening/closing device at 27/29/31/33. Regarding claims 5 and 6, see column 3, lines 57 and 58 of Rigsby; Rigsby teaches applying such a force that is even capable of preforming the work piece. Regarding claims 7 and 8, see Fig. 10; the device 20 of Rigsby is considered to be the “protruded” device as so broadly set forth.

6. Claims 2-4, 9-22, and 24-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

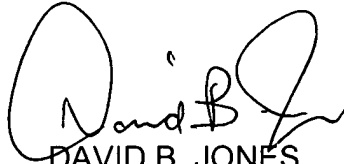
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ

  
DAVID B. JONES  
PRIMARY PATENT EXAMINER  
ART UNIT 3725